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DEC 2

IN THE

Supreme Court of the United States

OCTOBER TERM, A. D. 1943.

Docket No. 105.

EASTERN-CENTRAL MOTOR CARRIERS ASSOCIATION, ET AL., *Appellants*,

v.

THE UNITED STATES OF AMERICA AND INTERSTATE COMMERCE COMMISSION, *Appellees*.

MOTION FOR LEAVE TO INTERVENE.

LUTHER M. WALTER,
NUEL D. BELNAP,
JOHN S. BURCHMORE,
Attorneys for Petitioner.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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Now comes The National Industrial Traffic League, an unincorporated voluntary association, and respectfully represents that it has an interest in the matters and questions involved in the above-entitled cause; that it participated in the underlying administrative proceedings before the Interstate Commerce Commission, in opposition to the motor common carriers respondents therein, which proceedings led to the assailed orders entered by the commission, and that it desires to participate in the argument of this cause on the side of appellees.

Under the Statute, Chapter 28 U. S. C. A. Section 45a (Judicial Code Secs. 212, 213, amended), in any suit wherein is involved the validity of an order of the Interstate Commerce Commission (such as in this case) any party or parties in interest to the proceeding before the Commission may appear as parties thereto on their own motion and as of right, and be represented by counsel. The same section contains further *proviso* under which associations who are interested in the controversy or question before the Interstate Commerce Commission may intervene in said suit or proceedings in court at any time after the institution thereof.

The National Industrial Traffic League had no notice of the proceedings in the District Court until after argument was had before the three-judge statutory court and therefore, did not appear in the court below.

The findings and decree of the District Court are satisfactory to petitioner; and your petitioner desires to support the position of appellee United States and Interstate Commerce Commission, and to bring to the Court's attention the interest of the members of this association as shippers and receivers of freight in the questions involved.

WHEREFORE, Petitioner prays leave to intervene, to file brief, and to participate in oral argument, if had.

Dated at Chicago, Illinois, this 29th day of November, 1943.

LUTHER M. WALTER,
NUEL D. BELNAP,
JOHN S. BURCHMORE,
Attorneys for Petitioner.